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09/841,017	04/23/2001	Ranjit Sahota	40004572-0001-002	5826
26263 7590 05/07/2008 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080				
EXAMINER				
RIES, LAURIE ANNE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/841,017

Applicant(s)

SAHOTA ET AL.

Examiner

LAURIE RIES

Art Unit

2176

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 59-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 59-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed 18 January 2008, to the Original Application, filed 23 April 2001.
2. Claims 1-10 and 59-61 are pending. Claims 11-58 and 62-66 have been cancelled. Claims 1, 6, and 59 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Lewis (U.S. Patent 6,513,019 B2).

As per independent claim 1, Whitledge teaches a syndication method including creating capture templates to harvest content from disparate content sources on

multiple platforms (See Whitledge, Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29).

Whitledge also teaches extracting data from the disparate content sources using the created capture templates to control the extraction process (See Whitledge, Column 26, lines 25-31, and Figure 9, element 170).

Whitledge also teaches generating a standardized document from the extraction process and incoming content sources (See Whitledge, Figure 11, and Column 25, lines 26-50).

Whitledge also teaches providing the standardized document for optimized display on one or more different types of platforms (See Whitledge, Column 4, lines 65-67, Column 5, lines 1-17, and Column 8, lines 37-43).

Whitledge does not teach expressly that the document is a data stream.

Spyglass Prism discloses an HTML traffic report represented in real time, which is, therefore, a streaming document (See Spyglass Prism, Page 7).

Whitledge also does not teach expressly acquiring the data from disparate sources.

Lewis teaches acquiring data from disparate sources (See Lewis, Column 1, lines 8-14, and Column 6, lines 7-14).

Whitledge, Spyglass Prism, and Lewis are analogous art because they are from the same field of endeavor of representing hypertext data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the streaming document of Spyglass Prism with the data harvesting

system and method of Whittedge. The motivation for doing so would have been to provide a representation of data in real time as needed, such as for applications involving current traffic conditions (See Spyglass Prism, Page 7).

At the time of the invention it would also have been obvious to combine the acquisition of data of Lewis with the data capture templates of Whittedge. The motivation for doing so would have been to obtain data as requested by the user to be converted to a format as required for display of the data on a specific platform.

Therefore, it would have been obvious to combine Spyglass Prism and Lewis with Whittedge for the benefit of providing a representation of data in real time as needed and for the benefit of obtaining data as requested by the user to be converted to a format as required for display of the data on a specific platform to obtain the invention as specified in claims 1 and 6.

As per dependent claim 2, Whittedge, Spyglass Prism, and Lewis teach the limitations of claim 1 as described above. Whittedge also teaches that he content includes HTML content or XML content (See Whittedge, Column 6, lines 3-14).

As per dependent claim 4, Whittedge, Spyglass Prism, and Lewis teach the limitations of claim 1 as described above. Whittedge also teaches providing the standardized data stream on personal computer display or an electronic portable device display and generating content and code optimized, personalized for a specific platform, network environment or local market (See Whittedge, Column 8, lines 37-46).

As per independent claim 6, Whittedge teaches a syndication system including a server (See Whittedge, Figure 1). Independent claim 6 additionally incorporates

substantially similar subject matter as that of independent claim 1 above, and is additionally rejected along the same rationale as used in the rejection of claim 1.

As per dependent claim 7, Whittedge, Spyglass Prism, and Lewis teach the limitations of claim 6 as described above. Claim 7 additionally incorporates substantially similar subject matter as that of claim 2 above, and is additionally rejected along the same rationale as used in the rejection of claim 2.

As per dependent claim 9, Whittedge, Spyglass Prism, and Lewis teach the limitations of claim 6 as described above. Claim 9 additionally incorporates substantially similar subject matter as that of claim 4 above, and is additionally rejected along the same rationale as used in the rejection of claim 4.

4. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whittedge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Lewis (U.S. Patent 6,513,019 B2) as applied to claims 1 and 6 above, and further in view of Lonroth (U.S. Patent 6,826,597 B1).

As per dependent claim 3, Whittedge, Spyglass Prism, and Lewis teach the limitations of claim 1 as described above. Whittedge also teaches that the capture templates are to provide an ability to insert new media types and content optimized for a particular platform (See Whittedge, Column 24, lines 41-67, and Column 25, lines 1-2). Whittedge, Spyglass Prism, and Lewis do not teach expressly creating one or more

XML files or documents to define rules, logic, and content extraction parameters.

Lonnroth teaches that the creating of the capture templates includes creating one or more XML files or documents to define rules, logic, and content extraction parameters (See Lonnroth, Column 2, lines 35-51, Column 3, lines 23-31, and Column 9, lines 39-49). Whittedge, Spyglass Prism, Lewis, and Lonnroth are analogous art because they are from the same field of endeavor of representing hypertext data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the creation of XML files to define rules, logic and content extraction parameters of Lonnroth with the method of harvesting data of Whittedge, Spyglass Prism, and Lewis. The motivation for doing so would have been to allow clients to retrieve data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonnroth, Column 3, lines 14-16). Therefore, it would have been obvious to combine Lonnroth with Whittedge, Spyglass Prism, and Lewis for the benefit of to allowing clients to retrieve data from data sources that do not necessarily support the same protocols to obtain the invention as specified in claims 3 and 8.

As per dependent claim 8, Whittedge, Spyglass Prism, and Lewis teach the limitations of claim 6 as described above. Claim 8 additionally incorporates substantially similar subject matter as that of claim 3 above, and is additionally rejected along the same rationale as used in the rejection of claim 3.

5. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whittedge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Lewis (U.S. Patent 6,513,019 B2) as applied to claims 1 and 6 above, and further in view of Arens ("Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server").

As per dependent claim 5, Whittedge, Spyglass Prism, and Lewis teach the limitations of claim 1 as described above. Whittedge, Spyglass Prism, and Lewis do not teach expressly caching the data stream, templates or content. Arens teaches caching data or information (See Arens, Abstract). Whittedge, Spyglass Prism, Lewis, and Arens are analogous art because they are from the same field of endeavor of storing and accessing electronic data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the caching of data of Arens with the data stream, templates and content of Whittedge, Spyglass Prism, and Lewis. The motivation for doing so would have been to reduce the cost of retrieving data (See Arens, Abstract). Therefore, it would have been obvious to combine Arens with Whittedge, Spyglass Prism, and Lewis for the benefit of reducing the cost of retrieving data to obtain the invention as specified in claims 5 and 10.

As per dependent claim 10, Whittedge, Spyglass Prism, and Lewis teach the limitations of claim 6 as described above. Claim 10 additionally incorporates substantially similar subject matter as that of claim 5 above, and is additionally rejected along the same rationale as used in the rejection of claim 5.

6. Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Lewis (U.S. Patent 6,513,019 B2).

As per independent claim 59, Whitledge teaches a method for harvesting content including harvesting content from disparate content sources by accessing content and media assets from a web site on the Internet network based on conversion rules stored in a repository (See Whitledge, Figure 3, Figure 4A, Column 11, lines 58-67, Column 13, lines 45-59, and Table 3).

Whitledge also teaches converting the harvested content based on conversion rules stored in the repository (See Whitledge, Column 6, lines 35-38).

Whitledge does not teach expressly acquisition rules stored in a repository.

Lewis teaches acquisition rules stored in a database (See Lewis, Column 6, lines 7-14).

Whitledge and Lewis are analogous art because they are from the same field of endeavor of gathering electronic data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the stored acquisition rules of Lewis with the data harvesting method of Whitledge. The motivation for doing so would have been to collect data of specific interest to a user by applying the data collection rules that are specified by the user.

Therefore, it would have been obvious to combine Lewis with Whitledge for the benefit of collecting data of specific interest to a user by applying the data collection rules that are specified by the user to obtain the invention as specified in claim 59.

As per dependent claim 60, Whitledge and Lewis teach the limitations of claim 59 as described above. Whitledge also teaches navigating the web site to locate and access the content and media assets using a web browser, which does not change existing content on a web site (See Whitledge, Figures 10 and 11, Column 25, lines 10-37, and Column 1, lines 62-65).

As per dependent claim 61, Whitledge and Lewis teach the limitations of claim 59 as described above. Whitledge also teaches accessing the content and media assets using an Internet protocol (See Whitledge, Column 2, lines 4-24).

Response to Arguments

7. Applicant's arguments filed 18 January 2008 have been fully considered but they are not persuasive.

With regard to claims 1-10, Applicant argues that Whitledge in view of Spyglass Prism and Lewis fails to teach or suggest acquisition and extraction of data from disparate content using and under the control of capture templates, specifically because

Whitledge in view of Spyglass Prism and Lewis allegedly fails to teach or suggest controlling data acquisition. The Office respectfully disagrees. While independent claims 1 and 6 do not claim "controlling" acquisition of data, Lewis teaches controlling the acquisition of data, such as acquiring financial data from a number of disparate sources (See Lewis, Column 1, lines 8-14) by determining, through business rules defined by a user, what data is to be derived (See Lewis, Column 6, lines 7-14). The Office maintains that the teaching of Lewis, such as the derivation of financial data from disparate sources as determined by defined business rules, is equivalent to acquiring data and controlling what data is acquired. Whitledge teaches harvesting content and media assets from disparate content sources, such as extracting one or more selected elements from a document object model using data mining expressions (See Whitledge, Figure 9, element 170, and Column 26, lines 25-31). At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the control of data acquisition from disparate data sources of Lewis with the data harvesting of content and media assets from disparate content sources of Whitledge, providing the benefit of obtaining specific data as requested by the user to be converted to a format as required for display on a specific platform.

With regard to claims 59-61, Applicant argues that Whitledge in view of Lewis fails to teach or suggest acquisition rules for harvesting content and media assets from disparate content sources. The Office respectfully disagrees. While independent claim 59 does not claim "controlling" acquisition of data, as discussed above, Lewis teaches controlling the acquisition of data, such as acquiring financial data from a number of

disparate sources (See Lewis, Column 1, lines 8-14) by determining, through business rules defined by a user, what data is to be derived (See Lewis, Column 6, lines 7-14). The Office maintains that the teaching of Lewis, such as the derivation of financial data from disparate sources as determined by defined business rules, is equivalent to acquiring data and controlling what data is acquired. Whittedge teaches harvesting content and media assets from disparate content sources, such as extracting one or more selected elements from a document object model using data mining expressions (See Whittedge, Figure 9, element 170, and Column 26, lines 25-31). At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the control of data acquisition from disparate data sources of Lewis with the data harvesting of content and media assets from disparate content sources of Whittedge, providing the benefit of obtaining specific data as requested by the user to be converted to a format as required for display on a specific platform.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laurie Ries/
Patent Examiner
Technology Center 2100
5 May 2008